IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

APPEAL NO.808 OF 2005
IN
WRIT PETITION NO.1269 OF 2005

The Secretary,
Yashwantrao Chavan Shikshan
Prasarak Mandal & anr. .. Appellants

v/s.

Babar M. Sonyabapu & ors. .. Respondents

Mr.Arvind G.Kothari for the appellants.

Mr.Kumud A.Bhatia for the respondent No.1.

**CORAM : R.M.LODHA AND**
**P.V.KAKADE, JJ.**

**DATED : 2nd December, 2005**

**P.C.**

Mr.Arvind G. Kothari, the learned counsel for the appellants submits that in so far as the reinstatement of the respondent No.1 with the continuity of service as awarded by the School Tribunal and confirmed by the learned Single Judge is concerned, the appellants do not press this aspect. The learned counsel for the appellants, however, submitted that the award of full back wages by the learned Single Judge with effect from 14th June, 1997 is not justified. The learned counsel would submit that the appellants are ready and willing to give to the respondent No.1, 50% of the back wages for the period from 14th June, 1997 until his reinstatement.

2. Ms.Kumud A.Bhatia, the learned counsel for the respondent No.1 after seeking instructions from the respondent No.1 who is present in court expressed the willingness of the respondent No.1 in accepting the proposal made by the learned counsel for the appellants.

3. In the light of the submissions made before us, we dispose of the appeal by the following order:-

(i) The order of reinstatement with continuity of service passed by the School Tribunal and confirmed by the learned Single Judge is maintained.

(ii) The order of the learned Single Judge awarding full back wages to the respondent No.1 from 14th June, 1997 is modified and it is ordered that the appellants shall pay to the respondent No.1, 50% back wages for the period from 14th June, 1997 until his reinstatement.

(iii) The 50% back wages shall be paid by the appellants to the respondent No.1 in six equal instalments. The first of such instalment shall be paid

on/or before 10th January, 2006 and subsequent instalments every month on/or before 10th of each succeeding month until the back wages as aforedirected is paid by the appellants to the respondent No.1.

**(R.M.LODHA, J.)**

**(P.V.KAKADE, J.)**